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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATISGARH)

W.P.NO.302 OF 2002

PETITIONER : Prasanna Thakre, S/o Shri K.R.Thakre Aged about 32 Years, R/o Rajendra Nagar, Bilaspur (Chhattisgarh)

P. R. No. 301/02
Presented by Shri R. P. Saluja
dated 4.3.02

VERSUS

RESPONDENTS : 1.The State of Chhattisgarh, Through The Secretary, Department of Geology & Mining, Mantralaya, D.K.S. Bhawan, Raipur (Chhattisgarh)

2. Director, Geology & Mining, Chhattisgarh, Raipur (Chhattisgarh).

3. Collector, District Bilaspur (Chhattisgarh)

WRIT PETITION UNDER ARTICLE 226 /227 OF THE CONSTITUTION OF INDIA:

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(41)

आदेश पत्रक

मामला क्रमांक W.P.NO. 302/2002 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	04-03-2002 Heard Shri P.P. Sahu, learned counsel for the petitioner and Shri Sanjay Kumar Agrawal, learned Deputy Advocate General for the State/Respondents. **ORDER** The petitioner has, in this petition sought for quashing of the order dated 31-01-2002 (Annexure P – 6) and the order dated 10-12-2001 (Annexure P – 5). The main grievance of the petitioner in this petition is that against the order of the Collector (Respondent No.3), the petitioner has preferred an appeal before respondent No.2, but the Respondent No.2 failed to consider the fact that the respondent No.3 had not issued notice of 60 days to rectify the default with fine as provided under the Act and ignoring that, the act of respondent No.3 is arbitrary and contrary to the rules and apparently seems to be biased in rejecting the appeal on a new ground that the application for renewal of the lease was not in time which was not even the subject matter of show cause notice nor the appeal.	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In other words, the grievance of the petitioner is that the appellant Court has not been made out new ground against the petitioner to dismiss the appeal without hearing him on that point.

In the circumstances, since the appellate authority has passed the order (Annexure P - 6) without hearing the petitioner on the point which is not mentioned in the show cause notice, the order (Annexure P - 6) cannot be sustained.

Accordingly, the petition is allowed. The order (Annexure P - 6) is quashed. Respondent No.2 is directed to hear the petitioner afresh and pass the order afresh in accordance with law. The Respondent No.2 is further directed to dispose of the appeal within one month from the date of receipt of a copy of this order. Send a copy of this order to respondent No.2.

With the above observations and directions, this petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
Chief Justice

Raju/Murthy

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